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July 2, 2009

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7008 1140 0002 8455 9930

Mr. Tom R. Rosales
General Manager
South Orange County Wastewater Authority
34156 Del Obispo Street
Dana Point, CA 92629

In reply refer to:
704670: jhaas

Dear Mr. Rosales:

Adoption of Administrative Civil Liability Order No. R9-2009-0048, South Orange County Wastewater Authority, South Coast Water District Groundwater Recovery Facility:

On July 1, 2009, the California Regional Water Quality Control Board, San Diego Region (Regional Board), adopted Administrative Civil Liability Order No. R9-2009-0048 against South Orange County Wastewater Authority assessing mandatory minimum penalties in the amount of \$204,000. A copy of the Order is enclosed. The Order directs \$94,500 of the liability be payable to the State Water Resources Control Board (State Water Board) for deposit into the Cleanup and Abatement Account and \$109,500 of the liability be paid to the Southern California Coastal Waters Research Project (SCCWRP) to support the identified supplemental environmental project.

Each payment is due by July 31, 2009. Payment to the State Water Board should be submitted to the Regional Board. Evidence of full payment to SCCWRP must also be submitted to the Regional Board by July 31, 2009. Failure to make either payment may result in the referral to a collection agency or the State Attorney General for further enforcement.

You have thirty days to challenge the Order by filing a petition for review with the State Water Board pursuant to Water Code section 13320. Information on the petition process is available on-line at: http://www.waterboards.ca.gov/public_notices/petitions/.

In the subject line of any response, please include the requested "In reply refer to:" information located in the heading of this letter. For questions pertaining to the subject matter, please contact Jeremy Haas at (858) 467-2735 or jhaas@waterboards.ca.gov.

Respectfully,


JOHN H. ROBERTUS
Executive Officer

JHR:jh

Enclosures: ACL Order No. R9-2009-0048

cc via email: (w/encl.)

- Betty Burnett, District Counsel, South Coast Water District
- Mike Dunbar, General Manager, South Coast Water District
- Pat Chen, Miles Chen Law Group
- Brennon Flahive, Environmental Compliance Administrator, SOCWA
- Ken Schiff, Southern California Coastal Water Research Program
- Mayumi Okamoto, State Water Resources Control Board, Office of Enforcement
- Catherine Hagan, State Water Resources Control Board, Office of Chief Counsel
- Brian Kelley, San Diego Regional Water Board

Order No.	R9-2009-0048
File No.	
GeoTracker No.	
NPDES No.	R9-2006-0054 (309059)
CIWQS Place ID	704670
WDID	9 000017S6
Reg. Measure No.	360847
Party ID	41388
Person ID	

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

ORDER NO. R9-2009-0048

**ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY
FOR
MANDATORY MINIMUM PENALTIES
AGAINST
SOUTH ORANGE COUNTY WASTEWATER AUTHORITY
SOUTH COAST WATER DISTRICT GROUNDWATER RECOVERY FACILITY
FOR
VIOLATIONS OF ORDER NO. R9-2006-0054, NPDES NO CA0107417**

The California Regional Water Quality Control Board, San Diego Region (Regional Board), having held a public hearing on May 13, 2009, to hear evidence and comments on the allegations contained in Complaint No. R9-2009-0028, dated February 27, 2009, and deliberating on the evidence presented at the public hearing and in the record, after determining the allegations contained in the Complaint to be true, having provided public notice thereof and not less than thirty (30) days for public comment and on the recommendation for administrative assessment of mandatory minimum penalties (MMPs) in the amount of \$204,000 finds as follows:

1. SOCWA owns and holds the NPDES permit for the San Juan Creek Ocean Outfall on behalf of all its member agencies (Order No. R9-2006-0054, NPDES No. CA0107417, *Waste Discharge Requirement for the South Orange County Wastewater Authority, Discharge to the Pacific Ocean Via the San Juan Creek Ocean Outfall, Orange County*).
2. The South Coast Water District (SCWD) operates the Groundwater Recovery Facility (Facility) and discharges brine to the San Juan Creek Ocean Outfall as a member agency under Order No. R9-2006-0054. Treated effluent discharged from the Facility into the Pacific Ocean through the San Juan Creek Ocean Outfall is subject to numeric effluent limitations contained in Order No. R9-2006-0054.

**Calculation of Mandatory Minimum Penalties Based on Reported Monitoring Results
 from August 2007 through December 2008**

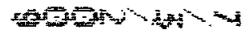
Violation Date	Violation ID	Constituent	Effluent Limitation	Unit	Permitted Limit	Reported Value	Percent Value Exceeds Limit	Serious Violation	Mandatory Minimum Penalty ⁱⁱⁱ
8/23/2007	689715	TSS	average monthly	mg/L	60	119	98.3%	Yes	\$3,000
	660728	turbidity	instantaneous max	NTU	225	260	15.6%	No	\$0
	689220	turbidity	average weekly	NTU	100	260	160.0%	Yes	\$3,000
	689237	turbidity	average monthly	NTU	75	260	246.7%	Yes	\$3,000
	805397	SS	average monthly	ml/L	1	1.4	40.0%	yes	\$3,000
9/27/2007	689307	SS	instantaneous max	mg/L	3.0	3.2	6.7%	No	\$3,000
	689267	turbidity	average weekly	NTU	100	173	73.0%	Yes	\$3,000
	689282	turbidity	average monthly	NTU	75	173	130.7%	Yes	\$3,000
9/30/2007	689310	SS	average monthly	mg/L	1.0	1.1	10.0%	No	\$3,000
10/31/2007	698165	TSS	average monthly	mg/L	60	71.0	18.3%	No	\$3,000
11/21/2007	715317	turbidity	instantaneous max	NTU	225	273	21.3%	No	\$3,000
	715322	turbidity	average weekly	NTU	100	273	173.0%	Yes	\$3,000
11/28/2007	715281	TSS	average monthly	mg/L	60	65.0	8.3%	No	\$3,000
	754137	turbidity	average monthly	NTU	75	120	60.0%	Yes	\$3,000
12/21/2007	724195	TSS	average monthly	mg/L	60	114.0	90.0%	Yes	\$3,000
	724233	turbidity	instantaneous max	NTU	225	393	74.7%	Yes	\$3,000
	724234	turbidity	average weekly	NTU	100	393	293.0%	Yes	\$3,000
	724241	turbidity	average monthly	NTU	75	393	424.0%	Yes	\$3,000
3/24/2008	755198	TSS	average monthly	mg/L	60	85.9	43.2%	Yes	\$3,000
	755310	turbidity	average weekly	NTU	100	177.1	77.1%	Yes	\$3,000
	755317	turbidity	average monthly	NTU	75	177.1	136.1%	Yes	\$3,000
4/29/2008	805277	turbidity	instantaneous max	NTU	225	280.8	24.8%	no	\$3,000
	805281	turbidity	average weekly	NTU	100	280.8	180.8%	yes	\$3,000
	805283	turbidity	average monthly	NTU	75	280.8	274.4%	yes	\$3,000
	805285	SS	instantaneous max	ml/L	3.0	10.4	246.7%	yes	\$3,000
	805286	SS	average weekly	ml/L	1.5	10.4	593.3%	yes	\$3,000
	805288	SS	average monthly	ml/L	1.0	10.4	940.0%	yes	\$3,000
5/3/2008	805290	turbidity	instantaneous max	NTU	225	249.0	10.7%	no	\$3,000
	805330	turbidity	average weekly	NTU	100	249.0	149.0%	yes	\$3,000
5/16/2008	805332	turbidity	instantaneous max	NTU	225	372.0	65.3%	yes	\$3,000
	805795	turbidity	average weekly	NTU	100	372.0	272.0%	yes	\$3,000
	805819	SS	average weekly	ml/L	1.5	1.6	6.7%	no	\$3,000
5/29/2008	805797	TSS	average monthly	mg/L	60	132.0	120.0%	yes	\$3,000
	805799	turbidity	instantaneous max	NTU	225	330.0	46.7%	yes	\$3,000
	805803	turbidity	average weekly	NTU	100	330.0	230.0%	yes	\$3,000
	805804	turbidity	average monthly	NTU	75	317.0	322.7%	yes	\$3,000
	805806	SS	instantaneous max	ml/L	3.0	11.7	290.0%	yes	\$3,000
	805842	SS	average weekly	ml/L	1.5	11.7	680.0%	yes	\$3,000
	805843	SS	average monthly	ml/L	1.0	4.5	350.0%	yes	\$3,000
6/6/2008	805824	TSS	average monthly	mg/L	60	135.0	125.0%	yes	\$3,000
	805825	turbidity	instantaneous max	NTU	225	381.0	69.3%	yes	\$3,000
	805844	turbidity	average weekly	NTU	100	381.0	281.0%	yes	\$3,000
	805827	turbidity	average monthly	NTU	75	381.0	408.0%	yes	\$3,000

Violation Date	Violation ID	Constituent	Effluent Limitation	Unit	Permitted Limit	Reported Value	Percent Value Exceeds Limit	Serious Violation	Mandatory Minimum Penalty
7/31/2008	805823	TSS	average monthly	mg/L	60	131.0	118.3%	yes	\$3,000
	805833	turbidity	instantaneous max	NTU	225	314.0	39.6%	no	\$3,000
	805838	turbidity	average weekly	NTU	100	314.0	214.0%	yes	\$3,000
	805836	turbidity	average monthly	NTU	75	314.0	318.7%	yes	\$3,000
	805826	SS	instantaneous max	ml/L	3.0	4.9	63.3%	yes	\$3,000
	805835	SS	average weekly	ml/L	1.5	4.9	226.7%	yes	\$3,000
805832	SS	average monthly	ml/L	1.0	4.9	390.0%	yes	\$3,000	
8/27/2008	805820	TSS	average monthly	mg/L	60	130.0	116.7%	yes	\$3,000
	805821	turbidity	instantaneous max	NTU	225	348.0	54.7%	yes	\$3,000
	805822	turbidity	average weekly	NTU	100	348.0	248.0%	yes	\$3,000
	805828	turbidity	average monthly	NTU	75	348.0	364.0%	yes	\$3,000
	805824	SS	instantaneous max	ml/L	3.0	7.5	150.0%	yes	\$3,000
	805829	SS	average weekly	ml/L	1.5	7.5	400.0%	yes	\$3,000
805831	SS	average monthly	ml/L	1.0	7.5	650.0%	yes	\$3,000	
9/30/2008	805813	TSS	average monthly	mg/L	60	232.0	286.7%	yes	\$3,000
	805814	turbidity	instantaneous max	NTU	225	480.0	113.3%	yes	\$3,000
	805815	turbidity	average weekly	NTU	100	480.0	380.0%	yes	\$3,000
	805817	turbidity	average monthly	NTU	75	480.0	540.0%	yes	\$3,000
	805818	SS	average monthly	ml/L	1.0	1.3	30.0%	no	\$3,000
10/15/2008	805812	TSS	average monthly	mg/L	60	211.0	251.7%	yes	\$3,000
	805810	turbidity	instantaneous max	NTU	225	422.0	87.6%	yes	\$3,000
	805808	turbidity	average weekly	NTU	100	422.0	322.0%	yes	\$3,000
	805805	turbidity	average monthly	NTU	75	422.0	462.7%	yes	\$3,000
	805802	SS	instantaneous max	ml/L	3.0	9.7	223.3%	yes	\$3,000
	805796	SS	average weekly	ml/L	1.5	9.7	546.7%	yes	\$3,000
805793	SS	average monthly	ml/L	1.0	9.7	870.0%	yes	\$3,000	
Total MMP Liability									\$204,000

i. TSS = Total Suspended Solids; SS = Settleable Solids

ii. CWC Section 13385(h)(1) requires that an MMP of \$3,000 be imposed for each serious violation. A serious violation occurs when the discharge exceeds Group I effluent limitations by 40 percent or more or Group II effluent limitations by 20 percent or more. Total suspended solids, settleable solids, and turbidity are Group I pollutants.

iii. MMPs are required for serious violations (CWC Sec. 13385(h) and for the fourth and subsequent effluent limitation violation in any six month period (CWC Section 13385(i)).



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Items 1, 2, and 3. Also complete Restricted Delivery if desired. Write name and address on the reverse and return the card to you. Attach to the back of the mailpiece, if space permits.

Sent to:

CES
NUMBER

221 Obispo Street
Mt. LA 92629

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

3. Service Type

Certified Mail

Express Mail

Registered

Return Receipt for Merchandise

Insured Mail

C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

Service label)

7008 1140 0002 8455 9930

February 2004

Domestic Return Receipt

102595-02-M-1540

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City, State, ZIP+4

PS Form 3800

Postage \$
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Total Postage & Fees \$5.54

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Tom Rosales, General, SacWA
34156 Delo Street
Dana Point, CA 92629

PS Form 3800, August 2006

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